

REMARKS/ARGUMENTS

Reconsideration and allowance of the instant application are respectfully requested. Claims 6, 8, 10, and 19 remain in this application. Claims 1-5, 7, 9, 11-18, and 20 are canceled. No claim is amended.

A Rule 132 Declaration is being filed to confirm what has consistently been argued, Ueda does not teach or suggest the claimed brazed part. In fact, a brazed part made in accordance with Ueda's composition would not be acceptable. Further, modifying Ueda to include Bi would not be appropriate to form the clad alloy desired by Ueda. In particular, the Rule 132 Declaration provides two articles which support applicant's contentions that one skilled in the art would have avoided adding Bi to the clad alloy of Ueda and thus would not have arrived to the invention described in the instant application.

The Rule 132 Declaration does not raise new issues as it fully supports applicants' prior arguments that one skilled in the art would not have added Bi to the Ueda clad alloy as such addition would result in a poor product.

Claims 6, 8, and 10 stand rejected under 35 USC 103(A) as unpatentable over Ueda (JP 200303132) in view of Shinji (JP 08-120389 English Machine Translation). Claim 19 stands rejected under 35 USC 103(a) as unpatentable over Ueda in view of Shinji and Baba et al. (JP 58-040495). These rejections are respectfully traversed for the reasons of record which are hereby incorporated by reference in their entirety.

As previously argued, Ueda does not teach or suggest the addition of Bi when preparing its product. The claimed invention requires an element such as Bi to achieve the fluxless brazing. Attention is drawn to the attached Rule 132 Declaration which demonstrates that the clad produced by Ueda without Bi cannot perform under fluxless brazing. Since Ueda is not directed to fluxless brazing, Ueda provides no incentive to include an element such as Bi with a reasonable expectation that such would work to form a brazed part under fluxless brazing. That is, Ueda does not teach to one skilled in the art how to make an article suitable for fluxless brazing.

Furthermore, the addition of Bi to Ueda would have detrimental effects for its desired clad alloy. The Office Action points out that no evidence has been provided that the addition of Bi would actually inhibit the effects of Ueda. However, as also discussed in the Rule 132 Declaration, one skilled in the art would have known that such inhibitory effects would have

been expected. This is supported by the two articles recited in the Declaration.

One skilled in the art would not have added an element such as Bi to an alloy according to Ueda; in fact, one would be dissuaded from doing because such an addition can risks inhibiting the effect of the invention of Ueda and indeed, Bi addition in a clad alloy is reported in several documents as detrimental to erosion resistance. Thus Ueda does not teach or suggest the instant claims nor provides an reason to add Bi to its clad allow to arrive at the brazed part as claimed.

Ueda does not teach or suggest the instant claims and one skilled in the art would not have modified Ueda to arrive at the claimed invention. The secondary documents do not remedy the defects of Ueda for the reasons of record incorporated by reference herein. One skilled in the art would not have modified Ueda to include an element detrimental to its desired product. Withdrawal of the rejections is requested.

CONCLUSION

If any further fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

/Susan A. Wolffe/

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Susan A. Wolffe
Reg. No. 33,568

Banner & Witcoff, Ltd.
1100 13th Street, N.W., Suite 1200
Washington, D.C. 20005-4051
Tel: (202) 824-3000
Fax: (202) 824-3001